

---Minutes: Leesburg Planning Commission January 18, 2001

The Leesburg Planning Commission met on Thursday, January 18, 2001 at 7:00 p.m. in Council Chambers at 25 West Market Street, Leesburg, VA. Members present for this meeting were: Chairman C. Vaughan, Commissioners: C. Cable, G. Glikas, D. Kennedy, L. Schonberger, L. Werner and Councilmember Umstattd. Staff members present for the meeting were Lee Phillips, Delane Parks, Randy Hodgson and Jennifer Moore

MINUTES:

None

PETITIONERS:

None

COUNCILMANIC REPORT:

Councilmember Umstattd stated that at the upcoming Council worksession, staff and Council would be going over the Leesburg Commons application.

Commissioner Cable asked when the Council would be voting on Leesburg Commons. Councilmember Umstattd stated that she believes that a vote would take place in February.

PUBLIC HEARING:

None

SUBDIVISION AND LAND DEVELOPMENT PLAN:

Ida Lee Park Building Expansion – Preliminary/Final Development Plan

Mr. Park stated that this is an application for an expansion off of the rear of the Ida Lee Park Recreation Center. He stated that this application has been through several reviews and the last submission of the plans was clean, there were no outstanding comments. Mr. Phillips stated that he has included a draft motion for consideration in the packet.

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Mr. Phillips stated that this application is for a 33,000 square foot addition that includes a fitness room, aerobics room, two racquetball courts, a warm water therapy pool, public meeting space and classrooms.

Chairman Vaughan asked if the proposed expansion was listed on the Master Plan. Mr. Phillips stated that he was not sure, but he would be happy to pull the Master Plan.

Commissioner Cable stated that usually there is a list of review comments from staff and she sees nothing in the packet. Mr. Phillips stated that he did not include those because they just said that there were no comments.

Councilmember Umstattd stated that this item was discussed some time ago by Council and received favorable comments.

Chairman Vaughan asked how the addition of the tennis courts was progressing. Mr. Phillips stated that it is moving slower than expected. He believes that they are in a holding pattern until the weather gets better so that they can shave away some of the unexpected rock that was found.

Commissioner Glikas stated that he would like to see an interior layout of the expansion. Mr. Phillips stated that he could put that in the packet for the following regular meeting.

Mr. Kennedy made a motion to approve the application as submitted.

Motion: Kennedy
Second: Glikas
Carried: 6-0

Mr. John Johnston, Parks Planner with Parks and Recreation came forward to show the Commission architectural drawings of the building. He explained the expansion in detail.

ZONING ITEMS:

Mr. Boucher stated that due to other time constraints, such as the budget and review of the proffers for Leesburg Commons, he has not been able to devote the time required to complete the Draft Zoning Ordinance for review by the Planning Commission and would like to ask that the scheduled worksession on January 25, 2001 be postponed.

COMPREHENSIVE PLAN ITEMS:

SE 2000-13, The Middleburg Bank: Mr. Hodgson stated that the Planning Commission was briefed on this application at the last meeting. The issues were summarized and all comments were addressed. Staff presented a letter to the Planning Commission from the applicant regarding some of the conditions that the Commission

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and staff had requested. The applicant stated in their letter that some of the conditions that have been placed on the application are not part of the drive-thru bank and should not be the applicant's responsibility.

Mr. Banzhoff stated that with a Special Exception the conditions have to be reasonably related to the use that is being requested, he stated that the bank is a by right use and all that the Special Exception would include is the drive-thru facility. For instance the request for a sidewalk is unrelated to vehicle movement, and therefore should not be made a condition of this Special Exception. He stated that the sidewalk is off-site to the bank; it would be located on a separate lot.

Mr. Banzhoff stated that he had a problem with the S2 condition because there is already planting around the perimeter of the bank and Town's Zoning Ordinance does not call for additional planting. He stated that he understands it is a cut through, however, pedestrians are supposed to cross at the crosswalks and they are not here to prevent jay walking.

Mr. Banzhoff stated that condition that no equipment be placed on the bank is unrelated to the issue because the bank is a by right use and there would be no mechanical equipment on the drive-thru. He stated that when the application comes before the BAR it would be reviewed at that time and he does not believe that it is appropriate to make it a condition of the Special Exception.

Commissioner Cable asked why the bank has switched pad sites. Mr. Banzhoff stated that there is no requirement as to where the pad site has to be placed. He stated that the bank thought that they would be more visible from the new site. Mr. Titus with Gordon and Associates explained to Commissioner Cable how the bank came to be placed on the current site.

Mr. Titus stated that he would like to address the issue of the sidewalk. He stated that there is no easy way to build a sidewalk from where the crosswalk is at the southeast corner to the bank site. He stated that there is a soil bank and rock that goes to the bottom of the curb line and if four or five foot of that bank were to be removed a retaining wall would be required along 150 feet of the bank and that would be very difficult, and it does not relate to the drive-thru itself.

Mr. Titus also stated that Bob Evan and TGI Friday's all have equipment on the roof, so to prohibit the bank from doing the same thing at this stage seems unfair.

Commissioner Werner stated that applicants consistently come before the Commission saying that they do not know what the architecture of the building is going to be and the Commission continues to make decisions not knowing what the building would look like. She stated that it continues to be a crutch that applicants use and she believes that something needs to be done.

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Commissioner Werner stated that the Commission did not ask for steps to come down the hillside from the top of Potomac Station that would be a very steep incline and very expensive complete. She stated that this is a Special Exception request and she is under the impression that the Commission is allowed to place conditions upon Special Exceptions and she has not seen an application is divided where the Commission may only place the conditions upon that specific part of the application.

Commissioner Werner again asked why the bank chose to move to a different pad site than what was originally chose. Mr. Titus stated that from the banks perspective, if you look at the exit of the west parking lot and a stream of cars coming and exiting around the corner all of the time, the bank does not like that type of maneuvering. It does not allow customers to get in and out of the bank in a relatively short amount of time. Mr. Titus stated that at the proposed location that problem is not an issue and that is one of the reasons that the bank chose that pad site, another reason is because the bank chose to be in the corner instead of underneath the retaining wall.

Commissioner Werner stated that the proposed pad site is sunk below a dirt berm and asked if the bank felt they could be seen better at that site. Mr. Titus stated that the bank feels that they can.

Commissioner Werner stated that the bank would have a lobby and would cater to pedestrian use and for the applicants to keep saying that there is no pedestrian use is erroneous. She stated that sidewalks are there for a reason. She also stated that in her opinion placing the mechanical equipment on the rooftops of Bob Evans and TGI Fridays were sad mistakes and it doesn't mean that the Commission has to repeat the same mistake.

Commissioner Werner stated that the Commission would relay their thoughts to the BAR and recommend that mechanicals not be placed on the roof of this building even if it is not included in the recommendation forwarded to Council.

Chairman Vaughan asked what would be done with the left over 1,000 square feet once the Boundary Line Adjustment has been completed. Mr. Titus stated that as he said before, he does not know what would be done with that area.

Chairman Vaughan stated that he understands the banks position relative to a potential berming effect should sidewalks be placed near the slope, however, sidewalks could be placed on the developed side of the roadway. Mr. Banzhoff stated that that could be done, however his point is that there is case law on this subject, which states that a Special Exception use and the conditions must be related to the requested condition. Mr. Banzhoff gave an example for the Commission. He stated that the issue is that people go to the bank on foot and the bank can be built by right with out the Special Exception. The issue before the Commission is can they drive-thru and if they are in their car they are not using the sidewalk and therefore would make the sidewalk unrelated to the drive-thru.

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Chairman Vaughan stated that he believes that pedestrians would be coming off of a sidewalk, from a "pedestrian safe area" and go into a "pedestrian non-safe area" to get to the bank and he thinks that the bank needs to prepare for those people that would be visiting the bank. Mr. Banzhoff stated that that is a land development/site plan issue and again is not related to the drive-thru.

Chairman Vaughan stated that with regard to placing the mechanical equipment on the rooftop, he stated that the other two pad sites do not have the elevation potential of people looking over the restaurants as will happen with the bank. Mr. Titus stated that the rest of the site is lower than the proposed bank and the entire site has mechanical equipment on the rooftop. Mr. Titus stated that he would request that the Planning Commission focus on the Special Exception before them, which is the drive-thru.

Mr. Phillips stated that the staff would get in touch with the Town Attorney regarding whether or not the Commission can place conditions on the site or just on the drive-thru. Mr. Phillips stated that the pad site was never shown on the approved preliminary development plan, so in turn this application would have to come back to the Commission as a preliminary development plan. He stated that this is not in conformance with the previously approved preliminary development plan. Mr. Banzhoff stated that at the preliminary development plan stage is the time to review this application for sidewalks and traffic flow, but not at this time.

Mr. Schonberger stated that under the special exception ordinance for B-3 it says special exception for bank with drive-thru, so with this being a vacant site any conditions that the Commission wishes to recommend in relation to a bank with a drive-thru is appropriate, because the request is not merely to add a drive-thru to an existing facility, this is an application for a bank with a drive-thru.

Mr. Schonberger also stated that he believes that the items are related because there is only one owner. He stated that if the Commission were to add a condition it should make it subject to the creation of the lot. He also believes that it is reasonable to create pedestrian sidewalk access throughout the site that is going to be subject to the special exception.

Mr. Schonberger asked if access easements were part of the application. Mr. Titus stated that currently there are access easements across the entire site and those would be used.

Chairman Vaughan stated that he would like for the Town Attorney to look at some of the issues that have been raised and report back to the Commission at the next meeting.

Richlynn Proffer Amendment: Mr. Hodgson stated that this is a preview for the public hearing that is scheduled for February 1, 2001. He stated that when the property was rezoned in 1985 there were 19 proffers associated with the rezoning. He stated that

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the applicant would like to amend proffers number seven and nine. They would like to eliminate proffer number nine and amend proffer number seven.

Chairman Vaughan asked where the percentages came from in proffer number nine. Mr. Hodgson stated that he did not know. He stated that they have been causing problems since there were established. The Zoning Administrator is having a difficult time keeping track of the leasing activity and it is causing some buildings to go unrented because they have exceeded the percentages elsewhere.

Commissioner Cable asked Mr. Hodgson to point out which parcels would and would not be affected by eliminating proffer number nine. Mr. Hodgson pointed those out to Commissioner Cable on a map.

OLD AND NEW BUSINESS:

Commissioner Kennedy stated that he would like to open the floor or entertain a motion to start having worksessions again. He would propose that the Commission either start having worksessions on a bi-weekly basis or in an abbreviated form prior to the regular meeting.

Commissioner Glikas stated that he does not believe that having a worksession prior to the regular meeting would work for some of the Commission members, however he would be in favor of having them on an on demand basis. He believes that when staff determines that there is an application that would generate a lot of questions a worksession would be called.

Commissioner Werner stated that she would like to wait until the retreat to make a decision because it is one of the issues to be discussed by the facilitator.

Commissioner Werner stated that she does not relish having a meeting every week, however she does believe that there are other ways to improve the way that the Commission does business and she believes that once those ways are put into place there may not be a need for worksessions every week.

Chairman Vaughan stated that he would like to leave the core discussion of having worksessions to the retreat. The Commission was agreeable.

Commissioner Cable stated that she and Commissioner Werner had met to discuss redrafting the by laws and will keep the Commission informed as the process continues.

Commissioner Glikas asked if the by laws, when complete would be reviewed by the Town Attorney. Commissioner Werner stated that they would and possibly Council as well. Commissioner Glikas stated that Council does not regulate what the Commission does or what is in their by laws. Commissioner Werner stated that she is aware of that, but felt that this would be a good will gesture.

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Commissioner Werner asked why the minutes had not been updated on the web site. Ms. Moore explained that the Commission had just approved the minutes the week before and that she came in over the weekend to get the minutes to the IT Department who in turn sends them to an outside agency who places them on the web page.

Commissioner Werner requested to have the Planning Commission members invited to the presentation that would be given by Loudoun County regarding the County's Comprehensive Plan. Councilmember Umstattd stated that she would make sure that the Commission is invited when a briefing is done for the Council.

There being no further business the meeting adjourned at 8:50 p.m.